1   HOUSE BILL NO. 558

2   INTRODUCED BY D. HIMMELBERGER

3   BY REQUEST OF THE SECRETARY OF STATE

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6   A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN

7   AMENDMENT TO ARTICLE IV, SECTION 5, OF THE MONTANA CONSTITUTION TO PROVIDE THAT IN A

8   NONFEDERAL GENERAL ELECTION, IF A CANDIDATE OR TICKET OF CANDIDATES FAILS TO RECEIVE

9   A MAJORITY OF THE VOTES, A RUNOFF ELECTION MUST BE HELD BETWEEN THE TWO CANDIDATES

10   OR TICKETS RECEIVING THE HIGHEST NUMBER OF VOTES AND THAT THE CANDIDATE OR TICKET

11   THAT RECEIVES THE MAJORITY OF VOTES IN THE RUNOFF ELECTION MUST BE DECLARED

12   ELECTED."

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14   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16   **Section 1.** Article IV, section 5, of The Constitution of the State of Montana is amended to read:

17   **"Section 5. Result of elections.** (1) ~~In~~ Except as provided in subsection (2), in all elections held by the

18   people, the person or persons receiving the largest number of votes shall be declared elected.

19   (2) In a nonfederal general election, if a candidate or ticket of candidates fails to receive a majority of

20   the votes, a runoff election must be held between the two candidates or the two tickets receiving the largest

21   number of votes. The candidate or ticket receiving the majority of votes in the runoff election shall be declared

22   elected."

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24   NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the

25   qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the

26   full title of this act and the following:

27   []   FOR requiring that in a nonfederal general election, a runoff election is required if the candidate

28   or candidates fail to receive a majority of votes.

29   []   AGAINST requiring that in a nonfederal general election, a runoff election is required if the

30   candidate or candidates fail to receive a majority of votes.

31   - END -